VICKI H. YOUNG 1 Law Offices of Vicki H. Young EÒËZISÒÖÄÄHÐÍ ÐHE 2 706 Cowper Street, Suite 205 Palo Alto, California 94301 3 Telephone (415) 421-4347 4 Counsel for Defendant James Nelsen 5 6 7 IN THE UNITED STATES DISTRICT COURT 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA 9 10 UNITED STATES OF AMERICA, 11 No. CR 09-01168 RMW 12 Plaintiff, STIPULATION TO CONTINUE HEARING DATE; 13 [] ORDER VS. JAMES NELSEN, 14 15 Defendant. 16 17 It is hereby stipulated between the United States of America, by and through Assistant 18 United States Attorney Jeffrey Schenk and defendant James Nelsen through his counsel Vicki H. 19 Young, that March 25, 2013, hearing date on the Motion for Order Permitting Involuntary 20 Administration of Medication to Restore Competency to Stand Trial filed by AUSA Jeffrey B. 21 Schenk be continued to Tuesday April 30, 2013, at 9:00 a.m. The reason for this continuance is that 22 the witnesses from F.M.C. Butner are not available to testify by phone at an afternoon hearing since 23 they are on the East Coast, and the next available date for all parties is April 30, 2013. The parties stipulate that the period up to and including April 30, 2013, is excludable time 24 25 under the Speedy Trial Act, 18 U.S.C. §3161(h); and the basis for such exclusion is that the motion for involuntary medication is still pending, 18 U.S.C. § 3161(h)(1)(F) as well as the need for

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1	additional time for effective preparation for the motion by defense counsel. 18 U.S.C.			
2	§3161(h)(8)(B)(iv).			
3	It i	It is so stipulated.		
4	Dated:	February 28, 2013	Respectfully submitted,	
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6			/s/ Vicki H. Young VICKI H. YOUNG, ESQ. Counsel for James Nelsen	
7			Counsel for James Nelsen	
8	Dated:	February 28, 2013	MELINDA S. HAAG United States Attorney	
9			Officed States Actionicy	
10			/s/ Jeffrey B. Schenk	
11			JEFFREY B. SCHENK Assistant United States Attorney	
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[] ORDER

GOOD CAUSE BEING SHOWN, the hearing date for the Motion for Order Permitting Involuntary Administration of Medication filed by AUSA Jeffrey Schenk is continued to Tueaday April 30, 2013, at 9:00 a.m.

Under Title 18 U.S. C. §3161(h)(8)(B(iv), the Court finds that this continuance is necessary to allow defense counsel the reasonable time necessary for effective preparation of the defense taking into the account the exercise of due diligence and to permit continuity of counsel.

Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C. §3161(h)(8)(A).

As required by 18 U.S.C. §3161 (h)(8)(B(iv), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny the defendant reasonable time necessary for effective preparation of the pretrial motions and defense, taking into account the exercise of due diligence, and would deny the defendant continuity of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: HOFÍ FFH

Nonald M. Whyte RONALD M. WHYTE Senior U.S. District Judge